

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

FILED

AUG 28 2008
AUG 28 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

United States of America ex.rel)

JAN NEWELL)

Petitioner,)

vs.)

NEDRA CHANDLER, etc.)

Respondent.)

RE: 08 CV 3711

Honorable Judge John W. Darrah
Presiding

**MOTION TO STAY PROCEEDINGS IN ORDER TO VERIFY FILINGS AND THE
RECORD/ MOTION FOR VIDEO TELECONFERENCE TO
VIEW FILINGS AND THE RECORD**

NOW COMES, Jan Newell, pro-se and ~~moves~~ this honorable Court for a Motion to Stay proceedings in order to verify Filings and the Record and for a Motion for a Video Teleconference to View the Filings and the Record. In support thereof Petitioner states the following:

- 1) Petitioner is incarcerated at the Dixon Correctional center;
- 2) On June 19, 2008, Petitioner submitted two(2) sealed envelopes to the mailroom. One contained a single copy of his Petition for Writ of Habeas Corpus addressed to the Chief of Criminal Appeals, Office of the Illinois Attorney General. The copy contained approx. 90 pages. This envelope was mailed on June 20, 2008. Petitioner was charged \$4.80 for postage.

(See Exhibit I)

- 3) The second envelope was mailed on June 25, 2008. That envelope was addressed to the U.S. District Court and contained an original and 2 copies of the petition. All of the petitions were separately stabled and were of the same length, i.e. approx. 90 pages. Petitioner was charged \$5.20 for postage. A difference of only \$.40 (40¢).

(See Exhibit II)

All copies and the original contained a proof of service
Petitioner alleges that these charges are inconsistent with the contents.

- 4) On August 3, 2008, Petitioner wrote the Clerk of the Court requesting his file stamped copy be sent to him.

(See Exhibit III)

5) On August 11, 2008 the Court sent petitioner a letter requesting \$67.00 to copy Petitioner's filings of 134 pages. Petitioner's petition was only approx. 90 pages in length. Approx. = 's ± 1 or 2 pages.

(See Exhibit IV)

6) On August 15, 2008, Petitioner sent this Court a letter requesting an explanation of what the 134 pages consisted of, alleging that if the 134 pages represented a copy of his petition than something is wrong as the petition submitted by Petitioner was only approx. 90 pages in length and not 134 pages;

(See Exhibit V)

7) Also see copy of the original Proof of Service attached.

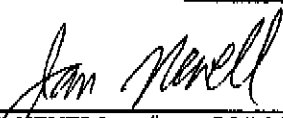
(See Exhibit VI)

Petitioner now moves this Honorable Court for a Stay of Proceedings and a Video Teleconference or what ever this Court deems necessary to allow Petitioner and this Court to verify that a correct and accurate petition is before this Court and of record, prior to this Court or a judges ruling.

A F F I D A V I T

I, JAN NEWELL, K-50566, affiant, do hereby declare and affirm pursuant to 28 UC 1746, 18 USC 1621, or 735 ILCS 5/1-109, under penalty of perjury that everything contained herein is true and accurate to the best of my knowledge and belief. I further declare and affirm that the foregoing documents are known to me and are accurate to the best of my knowledge and belief. Finally, I do declare and affirm that the matter at hand is not taken either frivolously or maliciously and that I believe that the forgoing matter is taken in good faith.

Signed on this 23 day of AUG. ~~24~~, 2008 .


JAN NEWELL, # K-50566
Dixon Correctional Center
2600 N. Brinton
Dixon, IL 61021


Affiant

(EXHIBIT I)

6/20/08

ILLINOIS DEPARTMENT OF CORRECTIONS

Offender Authorization for Payment

Posting Document #

8180984

Date

JUNE 19, 2008

Offender Name

J. NEWELL

ID#

K-50566

Housing Unit

HCH-2

Pay to

Address

116 MY LON 100 W. RANDOLPH

City, State, Zip

CHICAGO ILL 60605

The sum of

dollars and

cents charged to my trust fund

account, for the purpose of

☒ I hereby authorize payment of postage for the attached mail.

☐ I hereby request information on electronic funds transfers to be placed in the attached mail.

Offender Signature

J. Newell

ID#

K-50566

Witness Signature

☐ Approved ☐ Not Approved Chief Administrative Officer Signature

Postage applied in the amount of

4

dollars and

30

cents.

Distribution: Business Office, Offender, Mail Room

Printed on Recycled Paper

DOC 0298 (Rev. 1/2008)
(Replace DC 828)

(EXHIBIT II)

CK # 80730 6/25/08

5482

ILLINOIS DEPARTMENT OF CORRECTIONS

Offender Authorization for Payment

Posting Document # 88 239431 PAB Date JUNE 19, 2008
Offender Name J. NEWELL ID# K-50566 Housing Unit H44-2
Pay to CLERK OF THE UNITED STATES DISTRICT COURT
Address U.S. COURTHOUSE 219 S. DEARBORN ST.
City, State, Zip CHICAGO, IL 60604

The sum of FIVE dollars and 00 cents charged to my trust fund
account, for the purpose of FILE FEE FOR FEDERAL HABEAS CORPUS

☒ I hereby authorize payment of postage for the attached mail. ☐ I hereby request information on electronic
funds transfers to be placed in the attached mail.

Offender Signature J. Newell ID# K-50566

Witness Signature [Signature]

☒ Approved ☐ Not Approved Chief Administrative Officer Signature [Signature]

Postage applied in the amount of 5 dollars and 22 cents.

Distribution: Business Office, Offender, Mail Room

Printed on Recycled Paper

DOC 0296 (REV. 1/2008)
(Replaces DC 626)

PD

MICHAEL W. DOBBINS

TO: CLERK OF THE U.S. DISTRICT COURT
PRISONER CORRESPONDENCE
219 S. DEARBORN ST
CHICAGO, IL 60604

AUG. 3, 2008

(EXHIBIT III)

RE:

(CASE NO. 08 CV 3711)

From: JAN NEWELL - K-50566
2600 N. BRINTON
DIXON, IL 61021

DEAR ~~MR.~~ MR. DOBBINS

PETITION
ON JUNE 19, 2008, I FILED A ~~LETTER~~ ~~FOR~~ ~~MAGNUS~~ COMPLAINT
TO THIS COURT BY MAILING, AT THE DIXON CORR. CNTR. AN ORIGINAL
+ 2 COPIES OF THE PETITION. THE PETITION WAS APPROX 90 PAGES
IN LENGTH WITH YELLOW HIGHLIGHTED AREAS.

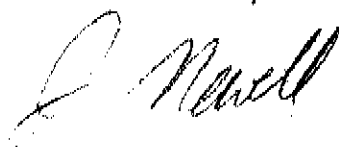
ON JUNE 30, 2008 THE COURT SENT ME A LETTER EXPLAINING
THAT TO RECEIVE MY FILE STAMPED COPY I NEEDED TO FILE
THE ORIGINAL + 2 COPIES. I HAD COMPLIED WITH THAT.
I HAVE NOT RECEIVED MY FILE STAMPED COPY.

DUE TO POST PROBLEMS WITH MAILING PROBLEMS AT DIXON
CORR. CNTR. IT CONCERNS ME THAT THE COURT DID NOT
RECEIVE ~~WHAT~~ ~~WHAT~~ I HAVE MAILED i.e. AN ORIGINAL + 2
COPIES OR EVEN MY COMPLETE PETITION.

WOULD YOU PLEASE ADVISE ME AS TO WHAT YOU RECEIVED
PERTAINING TO MY PETITION. THANK YOU IN ADVANCE.

RESPECTFULLY YOURS,

ALSO: I HAD WRITTEN THE
COURT A LETTER ADVISING IT OF
MY MAILING + THERE IS A CERTIFICATE
OF SERVICE INCLUDED WITH THE PETITION
INDICATING AN ORIG. + 2 COPIES.



UNITED STATES DISTRICT COURT
UNITED STATES COURTHOUSE
219 SOUTH DEARBORN STREET
CHICAGO, ILLINOIS 60604

MICHAEL W. DOBBINS
CLERK

OFFICE OF THE CLERK
CERTIFIED COPY DESK
312-435-5899

August 11, 2008

(EXHIBIT IV)

Request No.: 0808-25

In Re: 08CV3711

The total cost of the service you requested is: \$67.00
This cost includes:

134 Photocopies @ \$.50 per page

	\$67.00
Total:	\$67.00

Please make your remittance in the form of check or money order, indicating the request number above, and made payable to: Clerk, United States District Court. **Do not send cash.** Please return this form with your check.

Sincerely yours,

By: Janette Nunez

Deputy Clerk

AUG 15, 2008

OFFICE OF THE CLERK
THE UNITED STATES DISTRICT COURT
319 S. DEARBORN ST.

(EXHIBIT V)

ATTN: JANETTE NUNOZ - DEPUTY CLERK
FROM: JAN NEWELL - K-50566
3600 N BRINTON
DIXON IL 61021

IN RE: 08CV3711

DEAR MS. NUNOZ,

IN RESPONSE TO MY LETTER ATTEMPTING TO FIND OUT JUST
WHAT WAS MAILED BY DIXON COURT (NUNOZ), YOU ASKED FOR \$62.00
IE. 134 PHOTO COPIES @ .50 PER PAGE - REQUEST NO. 0908-35.

I FILED AN ORIGINAL & 2 COPIES OF MY HABEAS PETITION
EA. OF THE 3 WAS STAPLED & CONSISTED OF 90 PAGES EA.
I CAN'T UNDERSTAND WHAT 134 COPIES IS OF.

IF YOU RECEIVED A PETITION WITH 134 PAGES THEN THE
DIXON MAIL ROOM OR DIXON STAFF ALTERED MY PETITION.

QUESTION: DOES THE 134 PHOTO COPIES ENCOMPASS A SINGLE
PETITION?

I DON'T NEED A COPY ONLY CLARIFICATION.

I VERY APPRECIATE ANY HELP THAT YOU CAN PROVIDE.

Sincerely Yours,



(EXHIBIT VI)

STATE OF ILLINOIS

SS

~~COOK COUNTY~~
LEE COUNTYIN THE
UNITED STATES DISTRICT COURT NORTHERN
DISTRICT OF ILLINOIS - WESTERN DIVISIONJAN NEWELL

Respondent

vs.

NEDRA CHANDLER - WARDEN

Case No. _____

20TH CLERKS OFFICE - PRISONER CORRESP. NOTICE OF FILING
 To U.S. DISTRICT CT. - EASTWYOMING CHIEF CRIMINAL APPEALS DIVISION
219 S. DEARBORN ST. 100 W. RANDOLPH - 12TH FL.
CHICAGO, IL 60604 CHICAGO, IL 60601
 1 original & 2 copies 1 copy(ies) _____ copy(ies)

PLEASE TAKE NOTE that on the 19TH day of JUNE, 2008, I have
 filed, through the U.S. Mail, the above named parties, the below listed documents
 (number of copies & originals filed are listed below the addresses of the parties):

1. PETITION FOR WRIT OF HABEAS CORPUS

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

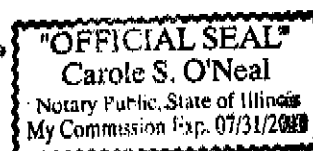
AFFIDAVIT OF SERVICE

I, JAN NEWELL, being first duly sworn on oath, depose and aver
 that he/she has caused the above stated documents in the above stated amounts, to be
 served upon the above listed parties by placing the same in the U.S. Mail Box on Housing
 Unit # HCU located at Dixon Correctional Center in Dixon, IL for delivery as 1st Class
 Mail.

s/s

Name: JAN NEWELLIDOC Reg. # K-50566

Subscribed and sworn to before me this

19TH day of June, 2008.Carole S. O'Neal

STATE OF ILLINOIS

SS

COUNTY OF LEE

IN THE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

U.S. EX. REL JAN NEWELL

PETITIONER,

vs.

NEDRA CHANDLER, ETC.

RESPONDENT.

Case No. 08 CV 3711

PRISONER CORRESPONDENCE NOTICE OF FILING
 CLERK OF THE U.S. DIST. COURT CHIEF CRIMINAL APPEALS DIVISION
 To: NORTHERN DIST. OF ILLINOIS To: OFFICE OF ATTORNEY GENERAL
219 S. DEARBORN ST. 100 W. RANDOLPH ST - 12TH FL.
CHICAGO, IL 60604 CHICAGO, IL 60601
 1 original & 2 copies 1 copy(ies) _____ copy(ies)

PLEASE TAKE NOTE that on the 24 day of AUGUST, 2008, I have
 filed, through the U.S. Mail, the above named parties, the below listed documents
 (number of copies & originals filed are listed below the addresses of the parties):

1. MOTION TO STAY PROCEEDINGS
2. MOTION FOR VIDEO TELECONFERENCE
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

AFFIDAVIT OF SERVICE

I, JAN NEWELL, K-50566, being first duly sworn on oath, depose and aver
 that he/she has caused the above stated documents in the above stated amounts, to be
 served upon the above listed parties by placing the same in the U.S. Mail ~~box~~ on Housing
 Unit# HCH located at Dixon Correctional Center in Dixon, IL for delivery as 1st Class
 Mail.

s/s

Name:

IDOC Reg. #

Jan Newell
JAN NEWELL
K-50566

Subscribed and sworn to before me this

23rd day of August, 2008.

Sally A. Joos
 NOTARY - PUBLIC

